

7.27.05 AT

STATE OF FLORIDA
BOARD OF COSMETOLOGY

Final Order No. BPR-2005-06100 Date: 10-28-05
FILED

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Department of Business and Professional Regulation
AGENCY CLERK
Sarah Wachman, Agency Clerk

Petitioner,

By: Sarah Wachman

vs.

CASE NO.: 2004-008641 &
2004-008603

MARK SLAYDEN,

LICENSE NO.: CL 205771

Respondent.

05-0994PL
mmp
closed

FILED
05 OCT 31 PM 2:52
DIVISION OF
ADMINISTRATIVE
HEARINGS

FINAL ORDER

THIS CAUSE came before the Board of Cosmetology (hereinafter the "Board") pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on September 7, 2005, via telephone conference call, for the purpose of considering the Administrative Law Judge's Recommended Order (a copy of which is attached hereto as Exhibit A) in the above-styled cause. At the hearing, Petitioner was represented by Charles Tunnicliff, Prosecuting Attorney, Department of Business and Professional Regulation. Respondent was not present at the hearing. Upon review of the Recommended Order, the argument of the parties, and after a review of the complete record in this case, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.
2. There is competent substantial evidence to support the findings of fact.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 477, Florida Statutes.
2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.
3. There is competent substantial evidence to support the conclusions of law.

DISPOSITION


Upon a complete review of the record in this case, the Board determines that the disposition recommended by the Administrative Law Judge be ACCEPTED.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. The Board imposes an administrative fine in the amount of \$1,000.00.
2. To ensure timely payment of the administrative fine, Respondent's cosmetology license in the State of Florida is hereby suspended. This suspension shall be stayed for a period of thirty (30) days from the date of the filing of this order with the Clerk of the Department of Business and Professional Regulation. If the ordered fine is paid in full within the thirty (30) day time period, the suspension of Respondent's cosmetology license shall be vacated. Upon payment of the fine after the thirty (30) days, the suspension imposed shall be lifted. In the event Respondent's license is suspended, Respondent shall immediately surrender or mail all evidence of the cosmetology license to the Executive Director, Board of Cosmetology, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.
3. All fines shall be paid to the Executive Director, Board of Cosmetology, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

This Final Order shall take effect upon being filed with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 26th day of October, 2005.



ROBYN BARINEAU
EXECUTIVE DIRECTOR
BOARD OF COSMETOLOGY

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to: Mark Slayden, 6543 NW 43rd Court, Coral Springs, Florida 33067; and by interoffice delivery to Charles Tunnickliff, Prosecuting Attorney, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202; and to Daniel Biggins, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050 on or before 5:00 p.m., this 28th day of October, 2005.

Brendan M. Nibel